

CITY OF FORT WAYNE, INDIANA  
JOURNAL OF THE PROCEEDINGS  
OF THE COMMON COUNCIL

BRADBURY P , BURNS P , EDMONDS P ,  
GIAQUINTA A , HENRY P , LONG P ,  
REDD P , SCHMIDT P , TALARICO P ,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,  
APPROVED AND PUBLISHED.



# THE CITY OF FORT WAYNE



Paul Helmke  
Mayor

27 August 1991

## COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
CityCounty Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-91-08-09

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
27th day of August 1991.

Robert Hutner  
Secretary

An Equal Opportunity Employer  
One Main Street, Fort Wayne, Indiana 46802



**FACT SHEET**

Z-91-08-09

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE**

Zoning Map Amendment

**APPROVAL DEADLINE****REASON**

From RA to R-3

**DETAILS**

<b>Specific Location and/or Address</b>  6131 St Joe Road
<b>Reason for Project</b>  Construction of a mortuary.
<b>Discussion (Including relationship to other Council actions)</b> <u>19 August 1991 - Public Hearing</u>  See Attached Minutes of Meeting  <u>26 August 1991 - Business Meeting</u>  Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.  Of the eight (8) members present, seven (7) voted for the motion, one (1) did not vote.  Motion carried.

**POSITIONS****RECOMMENDATIONS**

<b>Sponsor</b>	City Plan Commission
<b>Area Affected</b>	City Wide  Other Areas
<b>Applicants/ Proponents</b>	<b>Applicant(s)</b> Jane Gessener City Department  Other
<b>Opponents</b>	<b>Groups or Individuals</b> Kathryn Franklin, 3501 Shoaff Pk River Dr <b>Basis of Opposition</b> -R-3 zoning would allow uses that would not be compatible with the surrounding area
<b>Staff Recommendation</b>	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against  <b>Reason Against</b> -approval would have a negative impact on the surrounding properties
<b>Board or Commission Recommendation</b>	<b>By</b>  <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
<b>CITY COUNCIL ACTIONS</b> (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

**DETAILS**

**POLICY/PROGRAM IMPACT**

Policy or  
Program  
Change

☐

No

☐

Yes

Operational  
Impact  
Assessment

(This space for further discussion)

Project Start

Date July 17, 1991

Projected Completion or Occupancy

Date August 27, 1991

Fact Sheet Prepared by

Date August 27, 1991

Patricia Biancaniello

Reviewed by

Date

8/28/91

*Michael A. App*

Reference or Case Number



Bill No. Z-91-08-09 - Change of Zone #484  
From RA to R3  
6131 St Joe Road

Andrew Goeglein, agent for the petitioner Jane Gessener appeared before the Commission. Mr. Goeglein stated that they were requesting the rezoning to facilitate the construction of a mortuary. Mr. Goeglein stated that an R3 designation is the most restrictive designation that allows construction of a mortuary on this site. He stated that to his knowledge there is no opposition to the proposed use of the property for a mortuary. He stated that the use would be a very low non intensive use of the property and he felt it would be compatible with the surrounding area. He stated that the site does have some residential uses adjacent to it, however, many of the homes that are adjacent are duplexes. He stated that they do not believe the use is incompatible with those uses. He stated that although the staff has stated there is no R3 in the immediate area, one does not have to look very far in that general area to see some rather large apartment type complexes in the area. He stated that there is also a car wash and shopping center in the area. He stated that the staff is concerned that if the property is rezoned and they do not follow through with the proposed use this could open up the site to more intensive uses such as multi-family use. He stated that the staff does not seem to indicate that the site is not suitable for a mortuary but that they do feel that possible other uses under the R3 classification would not be compatible with the area. He stated that the staff has proposed an amendment to the Zoning Ordinance that would allow the mortuary in the current zoning as a contingent use with Board of Zoning Appeals approval. He stated that their concern is that there is no guarantee that the Commission would approve such a change. He stated that in addition these changes would hold up the people he was representing from constructing on the site in this construction season.

Mel Smith questioned what their timetable was.

Mr. Goeglien stated that they would like to get started during the current construction season. He stated that if they have to wait until the Zoning Ordinance is amended and then go through the Board of Zoning Appeals they would be looking at approval at the end of November. He stated this means they would not be able to start construction until December, which is at best December has highly unpredictable weather.

Mark Gensic questioned what the consequences were of taking this to the Board of Zoning Appeals.

Greg Purcell stated that there are three alternate paths the petitioner could follow. He stated that the petitioner is quite right when he says that the staff has no problem with mortuary as a land use for this particular area. He stated the issue is should we rezone this to R-3 and what uses would R-3 allow in



there that would be inappropriate, not to say that the developer is not going to develop the mortuary as proposed, but if it is rezoned and something happens to their plans, what incompatible uses could occur there. He stated with that in mind the staff recommendation to the Commission is do not pass because of the potential for incompatible uses. He stated the developer has the alternative to go to the Board of Zoning Appeals and ask for a Use Variance. He stated that it does not appear that they could meet hardship requirements for a Use Variance, given that, the staff is proposing an actual amendment to the ordinance, which would allow for a contingent use in the current classification. He stated the contingent use would be appropriate but it would require an amendment to the Zoning Ordinance and then it would have to go to the Board of Zoning Appeals. He stated that the difficulty for the petitioners is the time constraint. He stated that staff does not have a way of cutting through the time required for the amendment. He stated that the staff needs to know as soon as possible if the Commission wants them to pursue the ordinance amendment.

Mel Smith questioned if it would not be in the best interest of the developer to file with the Board of Zoning Appeals.

Mr. Purcell stated that they would have to file for a Use Variance and a hardship requirement in the determination finding is required by the Board of Zoning Appeals. He stated that the staff does not make that case for the petitioner and, they have not made the case that they could meet that criteria. He stated that it is incumbent upon the petitioner to meet state statutory requirements for hardship. He stated the three alternatives are to rezone, go to the Board of Zoning Appeals, or amend the ordinance.

Mr. Goeglein stated that he felt the only viable option under the current Zoning Ordinance is what they have before the Commission at this time. He stated that he did not feel that they could prove a hardship that the only use for the property could be a mortuary. He stated that they cannot propose a contingent use because the current Zoning Ordinance does not allow that.

Kathryn Franklin, 3501 Shoaff Park River Drive, a member of the Board of the neighborhood association appeared before the Commission. Ms. Franklin stated that they were not opposed to the proposed use of the property for a mortuary. She stated however that there are 10 acres to this parcel and only the first 4 acres would be used for the construction of the mortuary. She stated that leaves 6 acres undeveloped that would be rezoned to R-3. She stated that they are concerned as to what could be developed on that remaining property if rezoned to R-3.

In rebuttal Mr. Goeglein stated that he felt Ms. Franklin's comments were those of the staffs. He stated she was not against the use but the reclassification. He stated that it would be in the best interest of the developer to maintain the property and



not to allow any other use that would be detrimental to the area or their service.

Bob Hutner questioned what type of buffering they would have between the mortuary and the residences.

The architect stated that they will put whatever is necessary on the property for buffering. He stated that they have not developed their plans to that extent at this time. He stated they do have some excess dirt on the property that they are contemplating at this time using the dirt as berm material and planting shrubs.

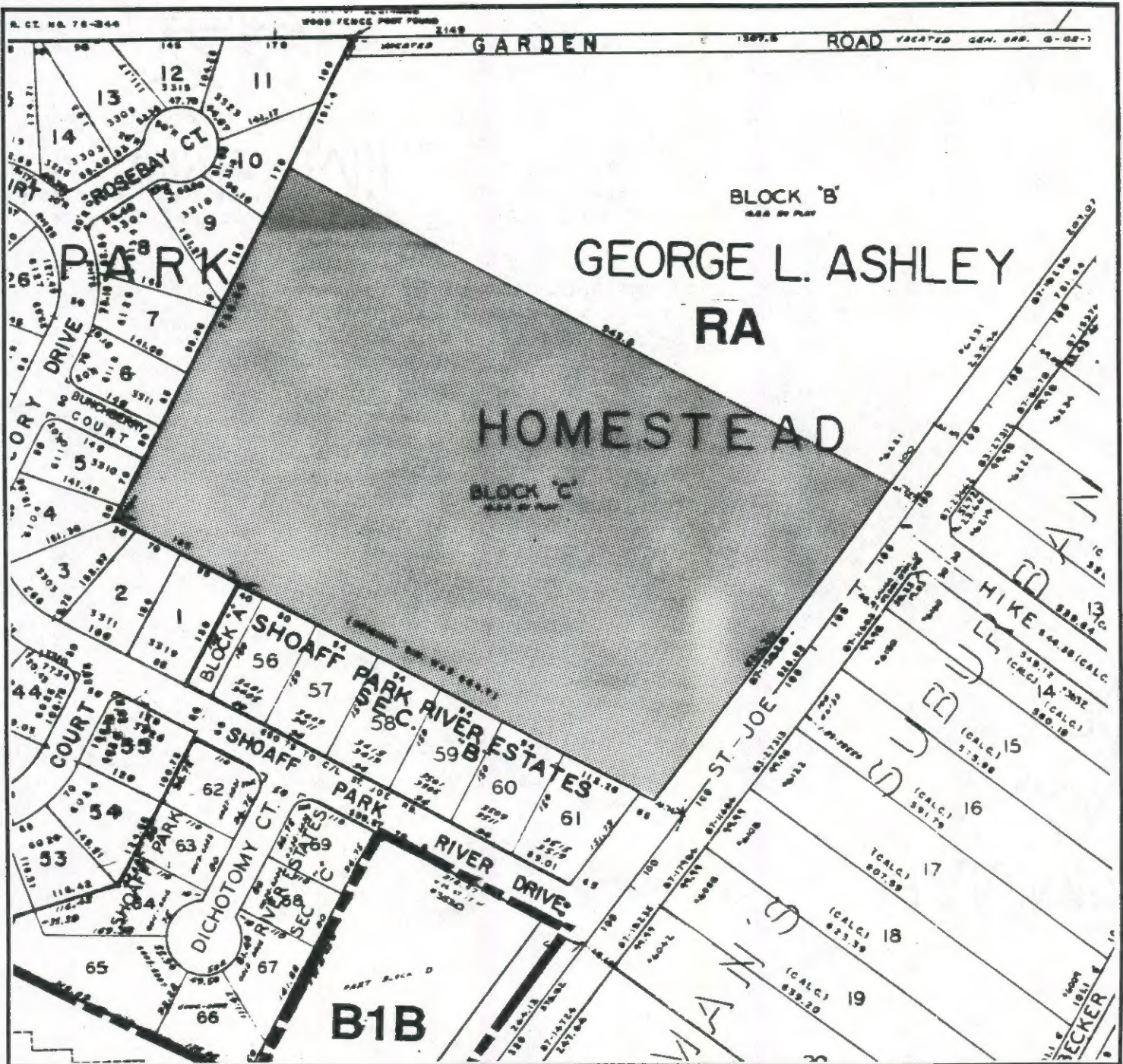
There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.



# REZONING PETITION

AREA MAP

CASE NO. #484



COUNCILMANIC DISTRICT NO. 3

Map No. R-38  
LW 7-25-91

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 13, 1991 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-91-08-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 19, 1991.

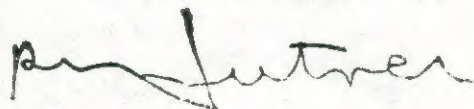
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will be injurious to the public health, safety, morals and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 26, 1991.

Certified and signed this  
27th day of August 1991.



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Robert Hutner  
Secretary

Andrew Goeglein, agent for Jane Gessener, requests a change of zone from RA to R-3.

Location: 6131 St. Joe Road

Legal: See File

Land Area: Approximately 10.2 acres

Zoning: RA

Surroundings:	North	RA	Residential & Open
	South	RA/B1B	Residential & Commercial
	East	RA	Residential
	West	RA	Residential

Reason for Request: Construction of a mortuary.

Neighborhood Assoc.: None

Comprehensive Plan: The general land use policies of the Comprehensive Plan state that development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located within the Northeast Sector of the Outer Ring. The goal of the Northeast Sector is to maintain a balanced development pattern within the urban service area.

The Northeast Sector is primarily suited for residential development. However, residential development should be limited to areas within the existing developed boundaries of the Northeast Sector. The abundant number of existing, as well as proposed, shopping centers reveals that additional shopping centers which are designed to service an area larger than the immediate neighborhood are not needed in this sector. Also, there should not be any new industrial developments in the Northeast Sector.

Neighborhood Plan: No comment.

Landscape: R-3 zoning allows more intensive and bulky building types than presently existing in the RA neighborhoods nearby. The present RA zoning provides for landscape review of more



intensive development, lessening the potential negative influence on existing residential areas nearby. R-3 rezoning should be permitted only if applicant proposes a buffer zone surrounding the site to screen non-RA uses from view of the remaining RA uses surrounding this site.

#### **Planning Staff Discussion:**

This parcel is located on the west side of St. Joe Road just north of the Shoaff Park River Estates Subdivision. Shoaff Park River Estate has been developed with both single family and duplex residential uses. Immediately south of Shoaff Park River Estates is a car wash, and a shopping center. The opposite side of St. Joe Road has a gas station (at the St. Joe Center intersection), with residential uses extending north.

There has been some development interest in this area since the road widening project was started. Some elements of the community see the ground north and east of the intersection as being suitable for commercial development. However, the Plan Commission has always been concerned with the potential consequences of commercial development into residential areas.

A property can be used for any of the permitted uses within its zoning classification. The existing RA designation would allow residential uses. Certain other uses could be allowed with Board of Zoning Appeals approval. The requested R-3 designation would allow those same uses (at a higher density), and a non-profit private club, an office, or a mortuary. There are no existing R-3 zonings in the immediate area.

Staff is aware of the concerns of residents in this area, and with the general traffic concerns. Under the existing zoning, this acreage could be developed to a maximum of approximately 150 dwelling units (pending development plan approval). While the impact of the proposed mortuary may be less intense, the required zoning could allow for a more significant development impact and associated repercussions. (Under an R-3 classification, an apartment complex could have a maximum development potential of approximately 296 dwelling units.)

Using the evaluation criteria that has been established, we can not recommend an approval of this petition. The potential negative impacts that could be generated from such a re-zoning are not consistent with overall goals. While we are supportive of low intensity uses in this area, approval could result in high intensity uses. These potential higher intensity uses could have a adverse impact on property values and on quality of life issues.

Recommendation: Do Not Pass, for the following reasons;

- 1) There are no existing R-3 parcels in the immediate area.
- 2) Approval could have a negative impact on the surrounding properties due to the intensity of uses allowed in the requested classification.
- 3) Approval would establish an unwarranted precedent in the area, leading to additional detrimental effects on the area.

**NOTE:** While staff can not support the proposed rezoning, staff would be interested in pursuing this as a contingent use. The contingent use provisions of the Zoning Ordinance allows the Board of Zoning Appeals to evaluate certain land uses within any zoning district. Use provisions currently address various medical diagnostic, treatment and rehabilitation uses, but do not currently include mortuaries.

Pending Plan Commission concurrence, we would propose a text amendment that would include a mortuary as a contingent use, subject to Board of Zoning Appeals approval following a public hearing.





# THE CITY OF FORT WAYNE



Paul Helmke  
Mayor

26 August 1991

## COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
CityCounty Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-91-08-08

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
26th day of August 1991.

Robert Hutner  
Secretary

An Equal Opportunity Employer  
One Main Street, Fort Wayne, Indiana 46802

**FACT SHEET**

Z-91-08-08

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE**Zoning Map Amendment  
From RA to B3B**APPROVAL DEADLINE****REASON****DETAILS****Specific Location and/or Address**

1825 Seddlemeyer Rd

**Reason for Project**

Not stated on petition.

**Discussion (Including relationship to other Council actions)**19 August 1991 - Public Hearing

Request was WITHDRAWN at the public hearing, in writing, by the petitioner's attorney.

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents****Applicant(s)**Kenneth Meads  
City Department

Other

**Opponents****Groups or Individuals**

Basis of Opposition

**Staff  
Recommendation**☐ For☒ Against**Reason Against**

-approval would not be compatible with existing land uses

**Board or  
Commission  
Recommendation****By**☐ For☐ Against☒ No Action Taken☐ For with revisions to conditions  
(See Details column for conditions)**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**☐ Pass☐ Other☐ Pass (as  
amended)☐ Hold☐ Council Sub.☐ Do not pass



# DETAILS

## POLICY / PROGRAM IMPACT

Policy or  
Program  
Change

☐

No

☐

Yes

Operational  
Impact  
Assessment

(This space for further discussion)

Project Start

Date 27 June 1991

Projected Completion or Occupancy

Date 26 August 1991

Fact Sheet Prepared by  
Patricia Biancaniello

Date 26 August 1991

Reviewed by

*Michael A. Sapp*

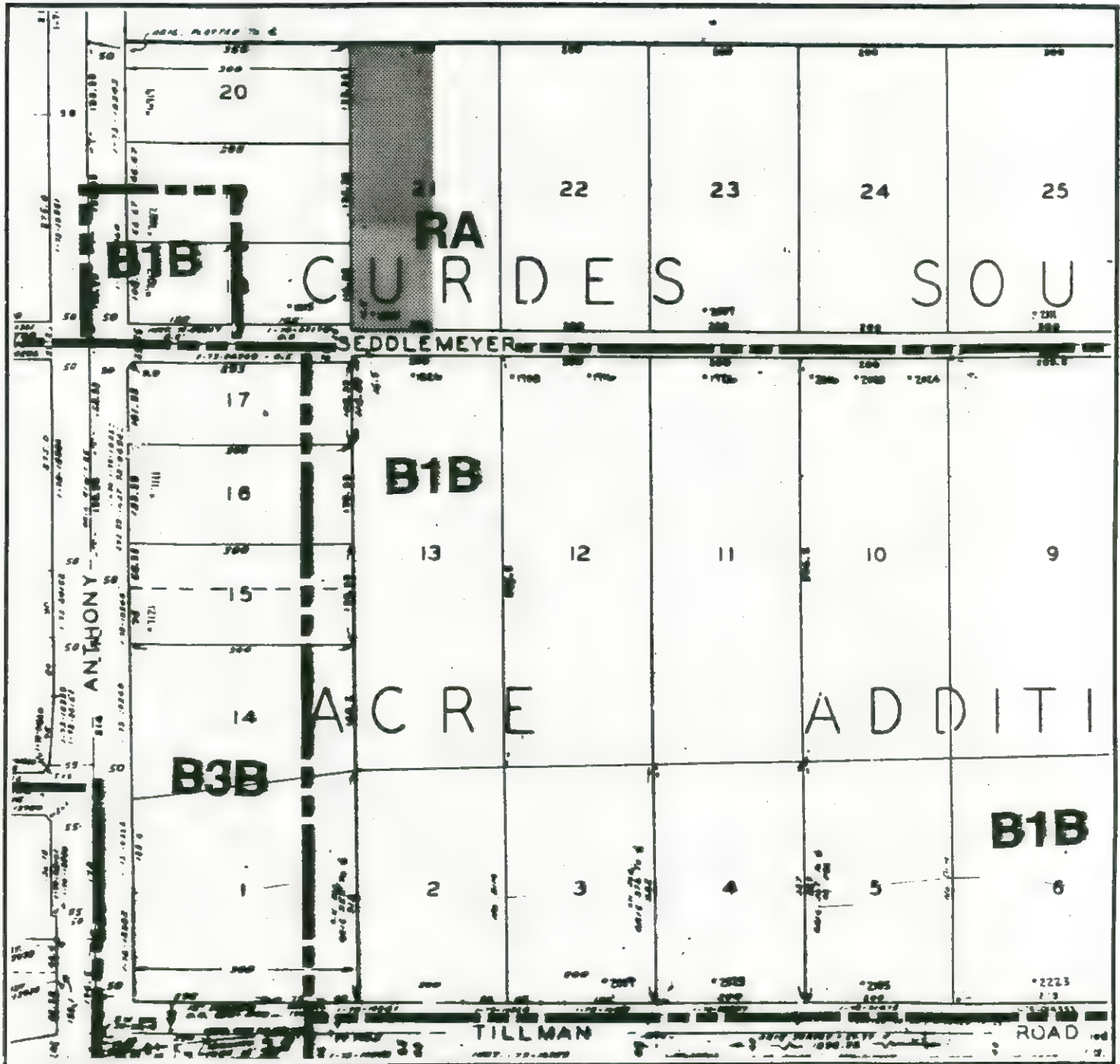
Date 8/27/91

Reference or Case Number

# REZONING PETITION

AREA MAP

CASE NO. #482



COUNCILMANIC DISTRICT NO. 6

Map No. P-27  
LW 7-25-91

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 13, 1991, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-91-08-08: and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 19, 1991, and,

WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 19, 1991.

Certified and signed this  
26th day of August 1991.

A handwritten signature in dark ink, appearing to read "Robert Hutner", written over a horizontal line.

Robert Hutner  
Secretary

Eric Snouffer, attorney for Kenneth Meads, requests a change of zone from RA to B-3-B.

Location: 1825 Seddlemeyer Ave.  
Legal: W 1/2 of lot 21 Curdes South Acre Addition  
Land Area: Approximately 0.7 acres  
Zoning: RA  
Surroundings: North RA Open & Residential  
South B-1-B Residential  
East RA Commercial & Residential  
West RA/B1B Open/Commercial

Reason for Request: Not stated on petition.

Neighborhood Assoc.: None

Comprehensive Plan: The general land use policies of the Comprehensive Plan state that development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located within the Middle Ring. The goal of the Middle Ring is to maintain investments and prevent deterioration in existing neighborhoods.

Neighborhood Plan: No comment.

Landscape: There seems to be no logical relationship between this parcel and other B-3-B parcels, and it is surrounded by RA parcels. B-3-B uses on this site would have a negative potential effect on the surrounding RA properties, and this site should not be rezoned unless applicant provides a view and noise buffer between non-RA uses on the site and surrounding properties.

Planning Staff Discussion:

This parcel of ground is located on the east side of Anthony Blvd, and the north side of Seddlemeyer. The property to the east houses Custom Furniture and Repair, and is also zoned RA.

Commercial uses are supported along the Anthony Blvd. frontages, but the overall intent for this area of the city is residential



(especially as you travel away from Anthony). Hires is located at the SE corner of this intersection and has access onto Seddlemeyer. Once past the Hires site, the street no longer supports high volume traffic. The properties on the south side of the street are currently zoned for limited commercial, but have been developed residentially.

The requested B-3-B designation is a highly intense commercial classification. The only existing B-3-B classifications in the area are located to the south of Seddlemeyer, along the Anthony Blvd. frontage. The potential impact of this rezoning on the area must be considered in an overall evaluation of this area. If approved, the stage would be set for additional rezonings, which may not be in the best interests of the area. This parcel is abutted on three sides by RA parcels.

Based on evaluation, we do not feel that this request is compatible with existing or potential land uses and it would establish an undesirable precedent. Approval could have a negative impact on property values could facilitate deterioration of the immediate area.

Recommendation: Do not Pass, for the following reasons:

- 1) Approval would not be compatible with existing land uses or infrastructure improvements.
- 2) Approval could have a negative impact on property values in the area.
- 3) Approval could lead to deterioration of the area, and would establish a precedent that is unwarranted.

# SNOUTTER & SNOUTTER

ATTORNEYS AT LAW

1809 FORT WAYNE BANK BLDG.  
110 WEST BERRY STREET  
FORT WAYNE, INDIANA 46802-2370  
(219) 422-7700  
FAX (219) 424-4145

RICHARD I. SNOUTTER  
ERIC E. SNOUTTER

Rec'd 8-19-91/RSW

August 19, 1991

Mr. Wayne O'Brien  
City Plan Commission  
One Main Street  
Room 830  
Fort Wayne, Indiana 46802

RE: 1825 Seddlemeyer Avenue, Fort Wayne, Indiana

Dear Mr. O'Brien:

I hereby request on behalf of Petitioners in the above-mentioned matter that the request for a change of zoning from RA to B3B be withdrawn this date.

Sincerely,

SNOUTTER & SNOUTTER



Eric E. Snoutter

ees/klw





# THE CITY OF FORT WAYNE



Paul Helmke  
Mayor

27 August 1991

## COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
CityCounty Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-91-08-07

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
27th day of August 1991.

Robert Hutner  
Secretary

An Equal Opportunity Employer  
One Main Street, Fort Wayne, Indiana 46802

**FACT SHEET**

Z-91-08-07

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE**

Zoning Map Amendment

**APPROVAL DEADLINE****REASON**

From R-2 to B3B

**DETAILS****Specific Location and/or Address**

1326 &amp; 1330 E Berry St

**Reason for Project**

Construction of a storage building.

**Discussion (Including relationship to other Council actions)**19 August 1991 - Public Hearing

William Scheele, agent for Jack Eiser Sales Co., Inc., appeared before the Commission. Mr. Scheele stated that they are requesting the change in zoning in order to facilitate the construction of a storage building.

Mel Smith questioned the size of the planned structure.

Mr. Scheele stated that it would be 33 feet by 112 feet.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

26 August 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the eight (8) members present, seven (7) voted for the motion, one (1) did not vote. Motion carried.

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents**

Applicant(s)  
Jack Eiser Sales, Co., Inc.  
City Department

Other

**Opponents**

Groups or Individuals

Basis of Opposition

**Staff  
Recommendation**☒ For☐ Against

Reason Against

**Board or  
Commission  
Recommendation**

By

☒ For☐ Against☐ No Action Taken

☐ For with revisions to conditions  
(See Details column for conditions)

**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**☐ Pass☐ Other☐ Pass (as  
amended)☐ Hold☐ Council Sub.☐ Do not pass



**DETAILS**

**POLICY/PROGRAM IMPACT**

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

**Project Start**

**Date** 12 July 1991

**Projected Completion or Occupancy**

**Date** 27 August 1991

**Fact Sheet Prepared by**

**Date** 27 August 1991

Patricia Biancaniello

**Reviewed by**

**Date** 8/28/91

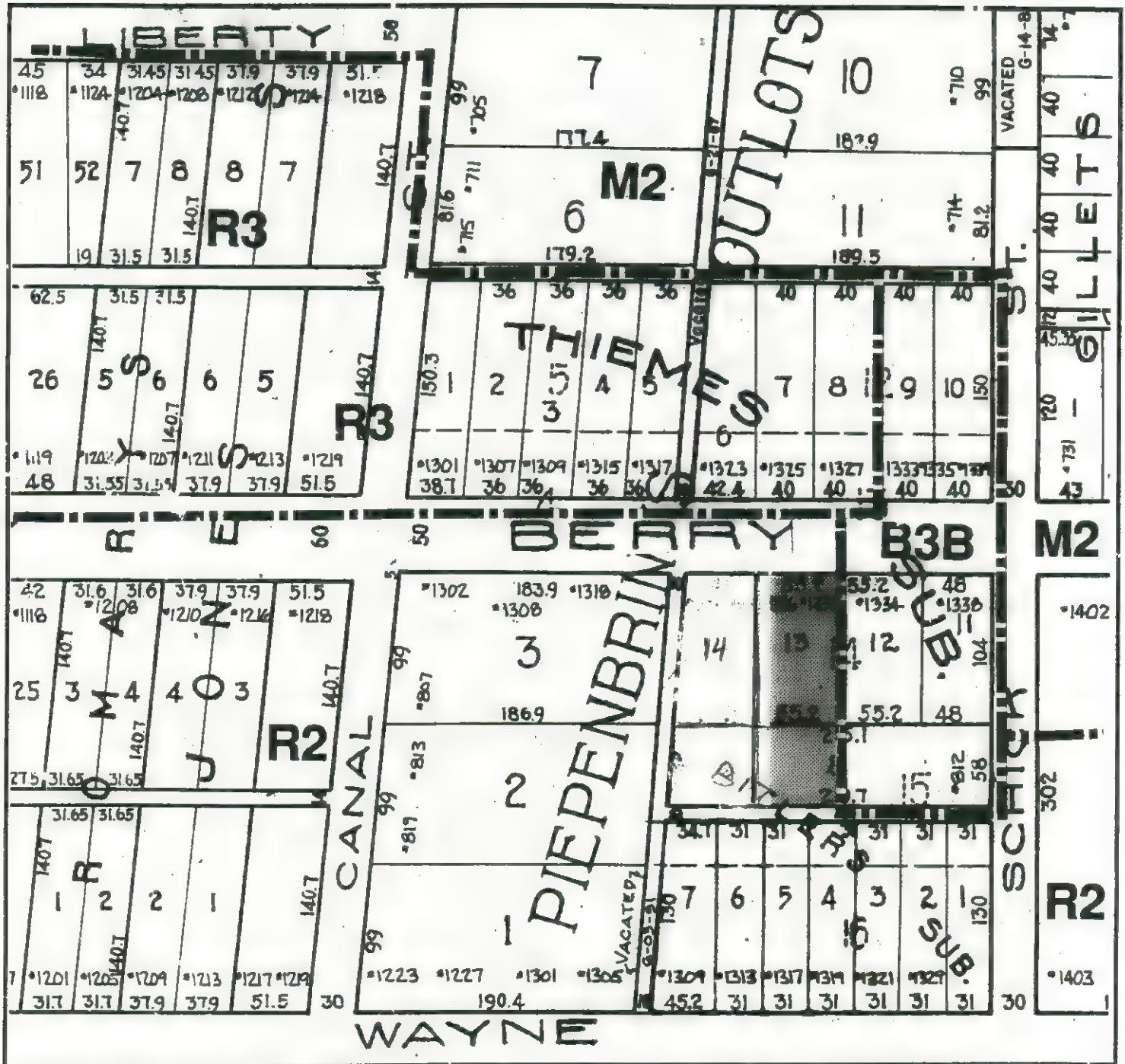
*Michael A. Sapp*

**Reference or Case Number**

# REZONING PETITION

AREA MAP

CASE NO. #483



COUNCILMANIC DISTRICT NO. 1

Map No. O-6  
LW 7-25-91

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		



## RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 13, 1991 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-91-08-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 19, 1991.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 26, 1991.

Certified and signed this  
27th day of August 1991.



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Robert Hutner  
Secretary

William Scheele, agent for Jack Eiser Sales Co., Inc. requests a change of zone from R-2 to B-3-B.

Location: 1326 & 1330 East Berry Street  
Legal: See file  
Land Area: Approximately 0.12 acres  
Zoning: R-2  
Surroundings: North R-3 Residential/Commercial  
South R-2 Residential  
East B3B Jack Eiser Sales  
West R-2 Residential

Reason for Request: Not stated on petition.

Neighborhood Assoc.: East Central Neighborhood

Comprehensive Plan: The general land use policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located within the Central Area. There are three main goals in the Central Area: (1) to maintain existing development, (2) to halt deterioration, and (3) to encourage reinvestment.

Neighborhood Plan: It is a policy of the East Central Neighborhood Plan to "promote the improvement of existing neighborhood-oriented commercial land uses which are desirable but are not located in commercial zoning districts (pg. 53)." So while the proposed land use map on page 55 shows the corner in question to be low density residential (pg. 55), this request which involves an existing business should not be denied. From a neighborhood revitalization standpoint a commercial zoning and usage is a proper use.

Landscape: This site will become a commercial encroachment on a residential zone, if rezoned to B-3-B. Rezoning should not be granted unless applicant provides a view buffer to properties north, south, and west of this site to screen non-R-2 uses.



**Planning Staff Discussion:**

Jack Eiser Sales is located immediately east of the petitioned property, and would like the rezoning in order to enlarge his existing building.

Staff is very concerned with the impact of expansion of commercial uses into residential areas. We evaluate petitions against an established criteria and against the overall needs of the area. As part of that evaluation, we include the directions established by the Neighborhood Plan, and the Comprehensive Plan. In this case, both plans indicate the need to encourage re-investment, and to support existing development. The Neighborhood Plan comments further addresses this petition by viewing it as a neighborhood revitalization issue.

Approval of this petition will not establish an unwarranted precedent in that the business is already located at the corner of Schick Street. The petitioned property is currently a vacant lot, and its development will not directly impact the housing stock in the area. We would hope that any expansion plans would be sympathetic to the area, and provide some buffering against the residential uses. Approval would in any case allow an expansion which could contribute to revitalization efforts in the area.

Recommendation: Do Pass for the following reasons:

- 1) Approval would be consistent with both the Neighborhood Plan and the Comprehensive Plan.
- 2) Approval would not directly diminish the existing housing stock in the area, and may encourage additional re-investment.



THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 10th day of September, 1991, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Sandra E. Kennedy  
City Clerk